

**Notice of Allowability**

Application No.

10/073,318

Examiner

Kamran Afshar, 571-272-7796

Applicant(s)

VOYER, NICOLAS

Art Unit

2681

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/1/2005.
2. ☒ The allowed claim(s) is/are 1-29.
3. ☒ The drawings filed on 2/13/2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 1-29 are allowed.

The following is an examiner's statement of reasons for allowance: 1-29.

Claim is allowed for the reasons as set forth in the previous action mailed 4/25/2005.

With respect to claim 12, the prior art of record fails to disclose or render obvious that the resource allocation criterion is selected from amongst a plurality of predetermined allocation criteria, the selection of the criterion being made using a quantity characteristic of the propagation losses between the mobile terminal and the base station; characterized in that the resources comprise transmission time slots; and in that the plurality of criteria comprises an allocation criterion allocating to a new communication the transmission time slot having the lowest level of interference.

With respect to claim 15, the prior art of record fails to disclose or render obvious that the resource allocation criterion is selected from amongst a plurality of predetermined allocation criteria, the selection of the criterion being made using a quantity characteristic of the propagation losses between the mobile terminal and the base station; characterized in that the resources comprise transmission time slots; and in that the plurality of criteria comprises an allocation criterion allocating to a new communication the transmission time slot having the lowest non-zero number of codes not yet allocated.

With respect to claim 18, the prior art of record fails to disclose or render obvious that the resource allocation criterion is selected from amongst a plurality of predetermined allocation criteria, the selection of the criterion being made using a quantity characteristic of the propagation losses between the mobile terminal and the base station; characterized in that the resources comprise transmission time slots; and in that the plurality of criteria comprises an allocation criterion allocating to a new communication the transmission time slot having the largest number of codes not yet allocated.

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With respect to claim 21, the prior art of record fails to disclose or render obvious that comparing the value to a second value; based on the comparing selecting first and second alternative allocation criteria; when the first criterion is selected, selecting a time slot in a transmission frame based upon a level of interference; and when the second criterion is selected, selecting a time slot in a transmission based upon availability of transmission codes.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Dent (U.S. Patent 5, 579, 306), which discloses Time And Frequency Slot Allocation System And Method.

b) Elliott (U.S. Patent 6, 438, 376 B1)), which discloses Wireless communications management and control system using mobile station position and movement information.

c) Takenaka (U.S. Patent 5, 48, 751), which discloses Method and apparatus for assigning radio channels in mobile communications systems.

d) Kanai (U.S. Patent US 5448751), which discloses Channel assignment method in mobile communication system, in which channel, which meets predetermined criteria, is channel selected.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

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If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, **Feild, Joseph** can be reached @ (571) 272-4090. The fax number for the organization where this application or proceeding is assigned is **571-273-8300** for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Kamran Afshar**

  
**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**

**6/22/2005**